

PLANNING COMMISSION MINUTES OF AUGUST 22, 2005

2005-0623 – Toyota of Sunnyvale [Applicant] **Su Family Partners, Lp** [Owners]: Application for a Special Development Permit on a 27,948 square-foot site to allow the conversion of a portion of an existing building into a carwash and to upgrade the facade. The property is located at **876 West El Camino Real** (near S Pastoria Ave) in a C-2/ECR (Highway Business/El Camino Real Precise Plan) Zoning District. (Negative Declaration) (APN: 201-21-003) AM **(Continued from August 8, 2005)**

Andy Miner, Principal Planner, presented the staff report. Staff recommends if this project is approved and once the car wash is operational that a new acoustical analysis be done to confirm that the noise levels meet the requirements. If the noise levels exceed what is allowed then additional measures would need to be taken to bring the noise levels into compliance. Staff also recommends a change to the type of doors from the standard roll up type to a more front type of appearance. Staff recommends adoption of the Mitigated Negative Declaration and approval of the Special Development Permit with conditions.

Comm. Babcock asked for clarification of the report that says the carwash is for their “inventory of cars only.” Staff said that this refers to the cars that are for sale and may include the washing of cars after they are serviced. Staff is more concerned about the hours rather than the number of cars being washed. Comm. Babcock confirmed that the cars would be washed from 7:30 a.m. to 5 p.m. with a consistent noise level throughout the day. Staff confirmed that the applicant has said they wash cars all day long.

Comm. Simons asked about the type of door being proposed and the consistency of the architecture. Staff said that the door will be opening and shutting all day and if the door can look more like a store front window it would be more aesthetic. Trudi Ryan, Planning Officer said if the door is designed like a store front it will look similar to the current building and that the door would look like divided panes of glass. Mr. Miner said the final design of the door is not determined, but that there are glass doors that roll up like garage door in sections and you cannot even see the joints so the door looks like a window.

Chair Hungerford asked about closing the doors with the carwash running and whether this would be a safety issue for the employees. Mr. Miner said there are OSHA (Occupational Safety and Health Administration) requirements that the applicant will need to comply with. Comm. Hungerford asked if 7:30 a.m. is a typical start time as this seems a little early. Mr. Miner said that the times can be modified.

Chair Hungerford opened the public hearing.

Adam Simms, applicant, said they will probably wash about 100 customer cars and 15 business-owned cars per day which will be about one car every six minutes. They will meet all the OSHA requirements. He said the design of the carwash will be consistent with the rest of the facility. He said they would like to request Condition of Approval (COA) 1.I. be modified to allow the carwash to operate from 7:30 a.m. to 7:30 p.m. He also asked for leniency on having to keep the door shut throughout the day because with 115 cars a day that is a lot of opening and shutting of the door. He said they currently wash cars until 8 p.m. by hand in back of property. With the carwash operation moving to the front part of the property it should help with any noise issues for the residential neighbors. He referenced COA 3.B. and Attachment F and said that he believes they can meet the sound requirements without the roll up doors.

Comm. Fussell asked the applicant if they have looked at the possible type of door that could be used and commented that it seems automatic doors going up and down for 115 cars each day could be a noise problem in itself. The applicant said they would like to install doors that are consistent with the fascia of the existing building and would like to open the door in morning and close it at night. They feel they can still meet the sound requirements and also their operational requirement without opening and shutting the door all day.

Mr. Miner commented that the acoustical analysis, Attachment F, page 4, number 4, was based on the assumption that the door would remain closed except when a car needs to be brought in or out.

Mr. Simms said that they agree to keep the noise levels below the City decibel requirements, but would like to just open the door once in the morning and close it in the evening.

Chair Hungerford asked about the noise decibel levels and how they differ from day and night. Staff said that daytime noise levels are measured from 7 a.m. to 10 p.m., but that lower decibel levels are required when a business is adjacent to residential.

Comm. Babcock said that she does not see a COA that technically requires a door. Staff replied that the application included roll up doors and as part of the noise study that the doors would be closed as part of meeting the noise standards. Doors are not shown as part of the COA because they are considered part of the project. Staff said that a COA could be added that says that the doors shall be closed except for cars to enter and exit. Ms. Ryan said language could be added that would include the incorporation of appropriate noise mitigation measures.

Chair Hungerford closed the public hearing.

Comm. Simons made a motion to adopt the Mitigated Negative Declaration and approve the Special Development Permit with attached conditions with a couple of modifications: to modify COA 1.I. to 7:30 p.m.; and after discussion between Commissioners and staff, to modify COA 2.C. to read "Final construction drawings shall incorporate all appropriate noise mitigation measures." Comm. Babcock seconded.

Comm. Moylan offered a Friendly Amendment, and after discussion between Commissioners and staff, to modify COA 3.B. to read, "Doors shall be designed to appear as storefront doors." The maker and the seconder accepted the Friendly Amendment.

Comm. Simons said that this has been a long process, but that he is pleased with how this site is developing.

Final Action:

Comm. Simons made a motion on Item 2005-0623 for Alternative 2, to adopt the Mitigated Negative Declaration and approve the Special Development Permit with modified conditions: to modify COA 1.I. to 7:30 p.m.; to modify COA 2.C. to read "Final construction drawings shall incorporate all appropriate noise mitigation measures"; to modify COA 3.B. to read, "Doors shall be designed to appear as storefront doors." Comm. Babcock seconded.

Motion carried unanimously, 7-0.

This item is appealable to City Council no later than September 6, 2005.